

ENTERED

June 06, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MD, et al

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VS.

CIVIL ACTION NO.2:11-CV-0084


ABBOTT, et al

ORDER STRIKING PLEADING(S)The Clerk has filed an Amended Second Advisory to the Court by Amicus CuriaeThe Refuge for DMST (DE 1254). However, it is deficient in the area(s) checked below:

1. ☐ Pleading is not signed. (LR 11.3)
2. ☐ Pleading is not in compliance with LR 11.3.A.
3. ☐ Caption of the pleading is incomplete. (LR 10.1)
4. ☐ No certificate of service or explanation why service is not required. (CrLR12.4)
5. ☐ No statement regarding conference with opposing counsel. (CrLR12.2)
6. ☐ Separate proposed order not attached. (CrLR12.2)
7. ☐ Motion to consolidate is not in compliance with LR 7.6.
8. ☒ Other: “The extent, if any, to which an amicus curiae should be permitted to participate in a pending action is solely within the broad discretion of the district court.” Club v. Fed. Emergency Mgmt. Agency, No. CIV.A. H-07-0608, 2007 WL 3472851, at *1 (S.D. Tex. Nov. 14, 2007) (internal citations omitted). “District courts commonly seek guidance from Federal Rule of Appellate Procedure 29, which establishes standards for filing an amicus brief in the United States Courts of Appeals.” Id. Rule 29 requires a party to either state in its brief it received consent of all parties or to file a motion for leave to file its brief. Fed. R. App. P.29(a) (2). Here, The Refuge has neither received consent from all parties nor requested permission of this Court to file its amicus brief. Further, The Refuge’s brief contests issues of fact rather than law, and “an amicus who argues facts should rarely be welcomed.” Strasser v. Dooley, 432 F.2d 567, 569 (1st Cir.1970).

The Clerk is hereby ORDERED to strike the above instrument(s) from the record and notify counsel of such action.

SO ORDERED on June 6, 2022.


Janis Graham Jack
Senior United States District Judge